

1  
2  
3  
4  
5                   UNITED STATES DISTRICT COURT  
6                   EASTERN DISTRICT OF WASHINGTON

7 MAXUM INDEMNITY COMPANY,  
8 a Delaware corporation,

9                   Plaintiff,

10                 v.

11 CONCEPT SYSTEMS INC., a  
12 Colorado Corporation d/b/a Scuba  
13 Schools International Inc., et al.,

14                   Defendants.

15                   NO: 12-CV-0374-TOR

16                   ORDER GRANTING PLAINTIFF  
17 AND DEFENDANT ESTATE OF  
18 KIMBERLY R. SCHMIDT'S JOINT  
19 MOTION FOR DISMISSAL WITH  
20 PREJUDICE

21                  Before the Court is Plaintiff and Defendant Estate of Kimberly R. Schmidt's  
22 Joint Motion for Dismissal with Prejudice (ECF No. 23). These parties stipulated  
23 and agreed to dismiss Plaintiff's complaint as against Defendant Estate of  
24 Kimberly R. Schmidt only, as well as Defendant Estate of Kimberly R. Schmidt's  
25 counterclaim against Plaintiff. The parties agreed to bear their own legal fees and  
26 costs in this matter.

27                  //

28                  ORDER GRANTING JOINT MOTION FOR DISMISSAL WITH PREJUDICE ~

**Accordingly, IT IS HEREBY ORDERED:**

Plaintiff and Defendant Estate of Kimberly R. Schmidt's Joint Motion for Dismissal with Prejudice (ECF No. 23) is **GRANTED**. Pursuant to these parties' stipulation, all claims and causes of action in this matter by Plaintiff against Defendant Estate of Kimberly R. Schmidt, and counterclaims by Defendant Estate of Kimberly R. Schmidt against Plaintiff, are **DISMISSED** with prejudice and without costs or fees to any party.

The District Court Executive is hereby directed to enter this Order and furnish copies to counsel.

**DATED** this 14<sup>th</sup> day of January, 2013.

*s/ Thomas O. Rice*

THOMAS O. RICE  
United States District Judge